

Testimony from Sally Jefferson,  
Entertainment Software  
Assoc.

**TESTIMONY OF  
ENTERTAINMENT SOFTWARE ASSOCIATION  
ON MI HB 4702 (Pavlov) and HB 4703 (Pearce)**

**Mr. Chairman and Members of the Committee:**

My name is Sally Jefferson and I represent the Entertainment Software Association (ESA), the trade association representing U.S. based companies that publish video games for the home.

ESA members account for over 90% of the video games sold in the U S. Our members include companies like EA, Microsoft, Lucas Arts, Sony as well as THQ (Ann Arbor) which has a facility in the state.

Thank you for the opportunity to testify today on HB 4702 and HB 4703.

HB 4702 amends the state's obscenity statute by including video games along with movies, books, music and other material in the definition of sexually explicit matter covered under this law. Video games are fully protected expression, receiving the same First Amendment protection as movies, music, television, books and art. In as such, we believe they should receive the same treatment as other forms of speech that are currently covered by this statute. Therefore, the ESA would not oppose enactment of this legislation.

Next, HB 4703 would require video game retailers to post signage that provides information about a video game rating system and to make additional information available to consumers upon request.

Increasing awareness and use of video game ratings so that consumers can make informed computer and video game purchases is a priority for the video game industry. Through our industry's own self-regulatory program, the Entertainment Software Rating Board (ESRB) provides ratings information and works with retailers in support of their voluntary efforts to enforce this rating system.

The ESRB issues 6 age-based rating categories and they are: Early Childhood (Ages 3 and older), Everyone (Ages 6 and older), Everyone-10 (Ages 10 and older), Teen (Ages 13 and older), Mature (Ages 17 and older), and Adults Only (Limited to those 18 and older).

The ratings are supplemented with short phrases, called descriptors, that highlight the content of video games. There are over 30 descriptors. Together the rating and descriptors provide consumers and parents with the advance information they need to make informed purchase and rental decisions for their families.

**Educating adults is key.** According to the FTC, adults are involved in the purchase of video games more than 8 out of 10 times. Our industry data show that adults are involved in the purchase over 90% of the time.

Through the ESRB's retail partnership program, video game retailers are provided posters, brochures, shelf talkers and other in-store signage. (Show examples) They also are provided ratings information for other marketing channels that they may use to communicate with their customers such as websites, circulars and in-store magazines. The top 15 retailers of computer and video games in the U.S., representing 85% of total sales volume, have committed to this program and have installed this signage in their stores.

While we do not think the proposed legal mandates are necessary, the ESA would not object to enactment of this legislation if it was amended to remove the specific reference to the Entertainment Software Rating Board or “an association of video game retailers and manufacturers”. We have concerns about referring to the ESRB in the definition of “video game rating system” as it might be perceived as giving greater weight to or providing a government endorsement of this system over other or future video game rating systems.

### **Conclusion**

Our industry <sup>is</sup> ~~are~~ committed to working with retailers to encourage voluntary ratings enforcement and educating consumers about the ratings system so they can make informed purchase decisions.

We stand ready to work with you in developing creative and effective educational programs to ensure that parents, the buyers of the vast majority of games for kids, use the tools available to make the right choices for their children. Collectively, we have a responsibility to educate and empower.

Thank you again for this opportunity to testify on HB 4702 and HB 4703.

